

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1264 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- CHANDI District- Nalanda

RANJEET SINGH Son of Late Sumidra Singh Resident of Village - Manpur,
P.S. - Wena, District - Nalanda.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shambhu Narayan Singh, Advocate
For the Respondent/s : Ms. Usha Kumari-I, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-08-2021 Heard Mr. Shambhu Narayan Singh, learned
counsel for the appellant and Ms. Usha Kumari-I,
learned Spl. PP for the State.

The appellant has challenged the order dated 07.10.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bihar Sharif, Nalanda in A.B.P. No. 1842 of 2020 arising out of Chandi (Wena) P.S. Case No. 122 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 147, 148, 341, 323, 307 and 379 of the Indian Penal Code and under Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation against the appellant is of



having waylaid the informant along with others and of assaulting him and divesting him is of personal belongings.

Learned counsel for the appellant has submitted that so far as he is concerned, he is not specifically alleged to have assaulted the informant. The FIR has been registered after two days without any plausible explanation. One of accused persons of this case *viz.* Nitish Kumar was not found to be present at the place of occurrence indicating that the accusation against many of the accused persons is motivated and for ulterior purposes.

Considering these aspects of the matter, one of the other co-accused persons of this case has been granted the privilege of anticipatory bail.

On these facts, it has been urged that the offences under the SC/ST (Prevention of Atrocities) Act cannot be said to have been made out against the appellants.

Regard being had to the aforestated facts, the order dated 07.10.2020 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum



of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Biharsharif, Nalanda in A.B.P. No. 1842 of 2020 arising out of Chandi (Wena) P.S. Case No. 122 of 2020.

(Ashutosh Kumar, J)

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